

**Testimony of Mr. George T. Rowe  
Member, Board of Lincoln County Commissioners  
Surface Transportation Board Hearing  
*Finance Docket 35106: Department of Energy Application for a Certificate of Public  
Convenience and Necessity for the Caliente Rail Alignment*  
December 4, 2008 .  
Las Vegas, Nevada**

Thank you for the opportunity to provide testimony today I am George T Rowe, elected member of the Board of Lincoln County Commissioners With me today to help answer questions you might have is Dr Mike Baughman, President of Intertech Services Corporation and a consultant to Lincoln County

The Caliente Rail Alignment begins in Lincoln County, Nevada The line will cross the County from east to west a distance of 108 miles Lincoln County is a large rural area, where ranching and other land-based pursuits define the character of our County Of the more than 10,600 square miles that comprise Lincoln County, private land represents less than two percent of that area Federally administered land, principally managed by the Bureau of Land Management (BLM), serves to support nearly every facet of the economy and the daily lives of Lincoln County residents

Lincoln County contains 66 operating ranches that utilize grazing on public land The Caliente Rail Alignment directly affects at least 16 of these ranches which sustain nearly 15,000 cattle and sheep within Lincoln County Lincoln County supports the comments that will be offered later today by the N-4 State Grazing Board

As documented in a November 2007 Lincoln County report (*Proposed DOE Caliente Rail Corridor, Lincoln, County, Nevada An Analysis of Impacts & Alternatives, With Recommended Mitigation*), all affected grazing operations, including land and water property rights, will be profoundly impacted and, even with implementation of

mitigation, a number of grazing operations may be forced out of business. If the Caliente Rail Line is to be built and operated, Lincoln County believes that no owner of private property or user of public land should be left to contend with any unmitigated consequence of the project.

To ensure that ranching operations and their use of public and private land and water resources are maintained at today's levels, Lincoln County asks STB for conditions that would result in DOE accomplishing the following goals as it designs and implements mitigation strategies regarding public land:

- Achieve no net loss of animal unit months of forage on public land grazing allotments
- Make sure mitigation plans are implemented for each impacted allotment before any land is disturbed
- Maintain all existing access to public lands
- Ensure that adequate funds are available to identify, carry out, and monitor these mitigations working with directly impacted parties
- Provide that plans and required mitigations address direct, indirect and unanticipated impacts
- Establish a cooperative process for identifying, evaluating, implementing and monitoring the effectiveness of these mitigation measures

The additional shipments by rail of spent nuclear fuel each year crossing Lincoln County because of this project poses a relatively small, but not insignificant, incremental public health risk. Lincoln County encourages STB and DOE to work with Lincoln County to effectively mitigate those risks by providing adequate emergency first response, medical personnel, training and equipment.

By letter dated July 7, 2008, Lincoln County provided STB with comments on DOE's application to this Board which included specific recommendations for

mitigation-related conditions for any such Certificate granted to DOE. In DOE's August 29, 2008 reply to STB, we note DOE indicates their commitment to these mitigation measures and others developed as detailed in the Rail FIS Chapter 7 processes.

DOE has asserted its commitment to implementing outright, or agreeing to work with affected parties to design effective approaches for addressing 73 of the 100-plus mitigation measures suggested by Lincoln County in its comment letter to STB. Lincoln County recommends that STB encourages DOE to adopt, monitor, and change as needed these mitigation measures. To protect the public interest, we recommend that these measures be included as conditions to any Certificate. Lincoln County looks forward to working with all federal agencies to ensure actual implementation of these important mitigation measures.

Although expected to be of low probability, accidents along the Caliente Rail Line could have serious consequences. Accidents of any magnitude would likely cause considerable media attention, potentially impacting the region as a place to live, work and visit. It is important we all work to ensure that the frequency, severity and consequence of rail incidents and accidents be minimized. Pages 12 through 15 of Lincoln County's comments to STB describe appropriate rail safety mitigation measures and suggest these measures be included as conditions to DOE's certificate.

Lincoln County is characterized by an abundance of outdoor recreational opportunities as a result of the undisturbed and remote nature of much of the County's public lands. Tourism is an important component of the local economy. If Lincoln County were to have stigma because of rail shipments of nuclear waste, tourism in the

County could well decline Private property values might also be adversely impacted by these negative views

In comments to DOE's Rail Alignment EIS and to DOE's application for a certificate from STB, Lincoln County raised issues regarding the potential for the construction and operation of the Caliente Rail Line to result in negative perception of areas along the rail line Lincoln County was encouraged by DOE's response to our comments when they indicated their continued commitment to work with local communities and tribes to fully understand and mitigate the potential negative perceptions because of the rail project

To facilitate design and implementation of the adaptive management approach suggested by DOE, Lincoln County recommends that the STB add a condition for DOE to include the use of the adaptive management approach to account for changes, estimate impacts, and make adjustments to mitigation measures for actual (rather than perceived) risks from the construction and operation of a railroad.

Lincoln County's comment letter to STB details the need for DOE to design and implement a baseline health conditions assessment and monitoring project including a plan for compensation of health affected parties

The DOE's Final Rail Alignment EIS discloses that exposure to radiation will result to people working and living along the Alignment Monitoring of baseline health conditions and establishment of protocols for compensation of affected persons will go a long way to mitigate the consequences and alleviate public concerns regarding radiation exposure from DOE rail operations

Finally, to make sure that the Caliente Rail Line and mitigation measures take place in a timely and complete fashion, we ask that your Certificate include the following three conditions be met before any construction begins

DOE should

- Possess a license to build the Yucca Mountain Repository from the Nuclear Regulatory Commission
- Obtain all rights-of-way from the BLM (Bureau of Land Management) and have permission from all affected private land owners to occupy land chosen for the rail line
- Obtain authorization and adequate funding from the U S Congress to build the rail line, implement all mitigation measures, comply with all STB conditions, and implement all BLM right-of-way conditions

Again, thank you for allowing me to offer these important perspectives. With Dr Baughman's assistance, I would be happy to answer any questions you may have regarding my testimony